

ORDINANCE NO. 1668

**AN ORDINANCE AMENDING TITLE 177 BUILDING AND PROPERTY REGULATIONS, OF
THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA, BY ADOPTING THE 2009
INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS**

WHEREAS, the City Council of the City of Ankeny, Iowa desires to continue to protect life safety and property through the adoption and enforcement of construction codes, and to establish the minimum requirements to safeguard the public health, safety and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, to ensure that rental housing facilities and conditions are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations;

WHEREAS, the Council now deems it appropriate to revise the Municipal Code by adopting the latest edition of the International Code Council Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

1. That Chapter 177 of the Municipal Code of the City of Ankeny, Iowa, the Housing Code Regulations be repealed and there be enacted in lieu thereof the following Chapter;

CHAPTER 177 PROPERTY MAINTENANCE & HOUSING CODE

Section Number	Title	IPMC Section
177.01	Short Title	
177.02	Adoption of Property Maintenance Code	
177.03	Amendments, Modification, Additions and Deletions	
177.04	Deletions	
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177.06	Title	101.1
177.07	Adoption of Other Codes	102.3
177.08	Housing Code	102.11
177.09	General (Building & Zoning Administrator)	103.1
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177.17	Heat Supply	602.3
177.18	Occupiable Work Spaces	602.4
177.19	Receptacles (bathroom)	605.2 exc

177.01 SHORT TITLE. This chapter shall be known as the Ankeny Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter

177.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code 2009 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. An official copy of the *International Property Maintenance Code 2009 Edition*, as adopted and a certified copy of this chapter are on file in the office of the City Clerk.

177.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. *The International Property Maintenance Code, 2009 Edition* (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 177.04 through 177.19.

177.04 - - DELETIONS. The following are deleted from the IPMC and are of no force or effect in this chapter:

Section - 111 Means Of Appeal

177.05 CONFLICTS. In the event there are requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

177.06 SECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Property Maintenance and Housing Code of the City of Ankeny, hereinafter known as “this code.”

177.07 SUBSECTION 102.3 AMENDED - - APPLICATION OF OTHER CODES. Subsection 102.3 Application of other codes, of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 102.3 Application of other codes Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the adopted International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, International Fire Code, the Ankeny Zoning Code and the National Electrical Code.

177.08 SUBSECTION 102.11 ADDITION - - HOUSING CODE. Subsection 102.11, Housing Code is hereby established by adding the following subsections:

102.11.1 Housing Code. In addition to provisions of the Property Maintenance Code of the City of Ankeny, this section shall be hereafter known as the city housing code and may be cited as such and will be referred to as such in this section.

102.11.2 Scope. The provisions of this section shall be deemed to apply to all dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Every roominghouse or lodginghouse shall comply with all of the requirements of this code applicable to dwellings.

102.11.3 Dwellings--Definition. A dwelling is any house or building or portion thereof which is occupied in whole or in part as a home or residence of one or more human beings, either permanently or transiently. No part of a building hereafter constructed as or altered into a dwelling may be occupied in whole or in part for human habitation until the issuance of a certificate by the code official that such part of the dwelling conforms to requirements relative to dwellings hereafter erected. The certificate shall be issued within fourteen days after written application therefore if the dwelling at the date of such application shall be entitled thereto. Such certificate shall hereafter be known as an occupancy certificate.

102.11.4 Housing inspector. The city council may designate, by resolution, the Building and Zoning Administrator and his or her representatives or designees as housing inspectors, or, the city council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this code to perform inspections of rental dwelling units in the city, to insure their compliance with this code. The inspectors appointed under the provisions of this section shall be charged with the responsibility of performing inspections of rental dwelling units in the city only, but shall not be charged with the duty of enforcing the provisions of this chapter. The code official shall be responsible for the enforcement of this chapter and may also make any inspections required under the provisions of this chapter.

102.11.5 Regular inspections. Regular inspections of rental dwelling units shall be required every three years in the case of multiple-family dwellings and every five years in the case of unattached single-family rental units and duplexes.

102.11.6 Application for a certificate. Every person, firm or corporation that offers for rent a dwelling or portion(s) thereof within the city shall submit to the Planning & Building Department, on forms provided, an application requesting an inspection certificate. Such application shall be accompanied by an inspection and application fee in an amount established by council resolution. Upon receipt of such application, the city shall cause an inspection of the premises and, if the same comply with the provisions of this chapter, issue an inspection certificate. If the premises fail to comply, the housing inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

102.11.7 Additional inspections. In addition to the inspections required under Section 102.11.4, the city inspector or inspectors are also empowered to make similar inspections of all rental units as frequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerned; the city will make special provisions in the case of elderly and handicapped persons in order to insure that their housing facilities are adequate.

102.11.8 Inspection fees for additional inspections. When an inspection is made at the request of the owner, an inspection fee as provided in Section 102.11.6 shall be charged. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to

an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his complaint, in writing, to the landlord, no less than ninety-six hours before making such complaint to the city. If, after a written complaint by the tenant, the dwelling is found to comply, or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within thirty days from date of billing, the city may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection. In the event an inspection is initiated by the city or at the request of a person other than the owner or tenant, and if the building is found to be in noncompliance, the owner shall be liable for such inspection fees. In the event that on the date of the inspection the building complies with the provisions of the housing code, no fee shall be charged. In the event that on the date of inspection a dwelling fails to comply with the provisions of the housing code, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections. All fees required under this chapter shall be paid prior to the issuance or renewal of the inspection certificate.

102.11.9 Entrance and survey of buildings. The building inspector and all inspectors and employees of the building department and such other persons as may be authorized by the city council may, without fee, except as provided in Section 102.11.8, enter, examine, make necessary records and survey all rental dwellings within the city. If entry into the interior portion of a dwelling unit is required, twenty-four hours' notice to the tenant shall be given by the city. The owner or his agent or representative and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling, and his agents and employees, shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

102.11.10 Inspection certificate required. From and after the first day of January, 1983, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter.

102.11.11 Reinspection. The inspection certificate issued under this chapter shall expire in three years after the original date of its issuance in the case of multiple-family dwellings, and in the case of single-family unattached dwellings and duplexes, it shall expire five years from the original date of its issuance, unless sooner revoked or suspended. The housing inspector shall inspect each such dwelling within sixty days prior to the expiration date of the certificate so that the code official may determine whether or not a new certificate shall be issued.

102.11.12 Issuance duration validation. If the dwelling and premises are found to comply with the requirements of this chapter, upon reinspection, the housing inspector shall issue a temporary inspection certificate. This certificate shall be valid for a period of thirty days from the date of inspection. It shall be presented to the Planning & Building Department within that period of time and, upon payment of the appropriate fees, the code official shall validate it.

102.11.13 Certificate displayed--Transferability. Inspection certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling may be rented, leased or otherwise occupied.

102.11.14 Notice on sale of dwelling. Every person holding an inspection certificate under this chapter shall give notice in writing to the code official within ninety-six hours after having sold,

transferred, conveyed or otherwise disposed of his ownership, interest in or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

102.11.15 Civil liability. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter, or where a nuisance as herein defined exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of fifty dollars to be recovered for the use of the Planning & Building Department in a civil action brought in the name of the municipality by the code official. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Planning & Building Department, including attorneys' fees, paid or incurred by the city, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

102.11.16 Additional liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of one hundred dollars. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.17 Action to enjoin. In case any dwelling, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the code official, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, the code official may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, nuisance, to prevent the occupation of the dwelling, building or structure, or to prevent any illegal act, conduct business in or about such dwelling or lot.

102.11.18 Injunction. In any such action or proceeding, the code official may by a petition duly verified setting forth the facts apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

102.11.19 Authority to execute. In case any notice or order issued by such code official is not complied with, the code official may apply to the district court for an order authorizing him to execute and carry out the provisions of the notice or order, to correct any violation specified in the notice or order or to abate any nuisance in or about dwelling.

102.11.20 Eviction--Lease termination. If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the code official or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of his lease.

102.11.21 Duties of occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove, without permission of the landlord, any furniture or other items of personal

property belonging to the land, or to cause damage resulting in noncompliance with the codes as adopted by the City of Ankeny.

102.11.22 Name and address of agent filed. Every owner, agent or lessee of a dwelling may file with the Planning & Building Department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this chapter and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the Planning & Building Department easily to find the same. The name of the owner or lessee may be filed as agent for such purpose.

102.11.23 Notice of actions. In any action brought by the code official in relation to a dwelling or injunction, vacation of the premises or abatement of nuisance, or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of original notices.

102.11.24 Rent collections. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the city gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the city gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

177.09 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator The term code official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the code official.

177.10 SUBSECTION 103.3 ADDITION - - DEPUTIES. Subsection 103.3, Deputies, of the IPMC is hereby amended by adding the following paragraph to said subsection:

Subsection 103.3 – Building & Zoning Administrator There is also hereby established the position of Building & Zoning Administrator, who shall be designated by the Planning & Building Director and when so appointed, shall be responsible for the enforcement of this code. The Building & Zoning Administrator shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Building and Zoning Administrator shall have whatever additional duties the Planning & Building Director may prescribe.

177.11 SUBSECTION 103.5 AMENDED - - FEES. Subsection 103.5, Fees, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 103.5 Schedule of permit fees Permits and rental housing certificates shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Ankeny. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

The permit fees shall be based upon the valuation of the proposed construction and shall be computed from tables set by resolution of the City Council, rental housing certificate fees shall be as established by resolution of the City Council.

177.12 SUBSECTION 103.6 ADDITION - - WORK COMMENCING BEFORE PERMIT ISSUANCE. Subsection 103.6, Work commencing before permit issuance, of the IPMC is hereby established by adding the following subsection:

Subsection 103.6 Work commencing before permit issuance Any person who commences any work under the provisions of this ordinance before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

177.13 SUBSECTION 103.7 AMENDED- - FEE REFUNDS. Subsection 103.7, Fee refunds of the IPMC is hereby amended by established by adding the following subsection:

Subsection 103.7 Fee refunds The code official is authorized to establish a refund policy in accordance with City policy.

177.14 SUBSECTION 302.4 - - WEEDS. Subsection 302.4, Weeds of the IPMC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 302.4 Weeds Weeds and tall grasses shall be regulated as defined in the City of Ankeny Municipal Ordinance

177.15 SUBSECTION 304.14 AMENDED - - INSECT SCREENS. Subsection 303.14, Insect Screens of the IPMC is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

Subsection 303.14 Insect Screens (from date) April 1 (to date) October 31
Delete: and every screen door used for insect control shall have a self-closing device in good working condition

177.16 SUBSECTION 404.4.1 ADDITION - - ROOM AREA. Subsection 404.4.1, Room Area of the IPMC is hereby amended by adding the following subsection:

Subsection 404.4.1.1 Bedroom floor area Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

177.17 SUBSECTION 602.3 - - HEAT SUPPLY. Subsection 602.3, Heat supply of the IPMC is hereby amended by inserting the following dates:

Subsection 602.3 Heat supply (from date) September 15 (to date) May 15

177.18 SUBSECTION 602.4 - - OCCUPIABLE WORK SPACES. Subsection 602.4, Occupiable work spaces of the IPMC is hereby amended by inserting the following dates:

Subsection 602.4 Occupiable work spaces (from date) September 15 (to date) May 15

177.19 SUBSECTION 605.2 - - RECEPTACLES. Subsection 605.2, receptacles of the IPMC is hereby amended by adding the following exception:

Subsection 605.2 Receptacles exception #1 Effective July 15, 2013, a bathroom receptacle shall be required in dwelling units permitted or constructed prior to 1978.

2. Copy. An official copy of the Ankeny Property Maintenance and Housing Code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.

3. Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4. Effective date. This ordinance shall be effective August 15, 2010, after its final passage and publication as required by law.

PASSED AND APPROVED this 2nd day of AUGUST, 2010.

Steven D. Van Oort, Mayor

ATTEST:

Pamela DeMouth, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE 6th DAY OF AUGUST, 2010**

**1st Con 7/6/10
2nd Con 7/19/10
3rd Con 8/2/10**